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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,123	10/13/2005	Patrick Achenbach		1493

7590  
Edward J. Smith  
1 River Road, 43-219  
Schenectady, NY 12345

EXAMINER
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GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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08/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/529,123

**Applicant(s)**

ACHENBACH, PATRICK

**Examiner**

Stephen Gravini

**Art Unit**

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamerski (US 3,589,025). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Hamerski as comprising:

- a power generating wind turbine switch cabinet **9**;
- at least one wind turbine **69** circuit element coupled to the power-generating wind turbine switch cabinet; and
- a drying arrangement adapted to prevent water deposition onto the at least one power-generating wind turbine circuit element, the drying arrangement including an air flow device generating an air flow in a region of the at least one power-generating wind turbine circuit element to counteract the water deposition onto the at least one power-generating wind turbine circuit element at column 4 lines 44-66. Hamerski also discloses the claimed at least one heating device to heat an air in the region of the at least one circuit element as shown in figure 3, cooling and drain elements at column 4 line 62 through column 5 line 4, and moving air past the cooling element at column 5 lines 31-46.

Claims 23-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Schloss (US 4,044,772). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Schloss as comprising:

controlling an operational parameter of a wind turbine by at least power-generating wind turbine one circuit element coupled to a switch cabinet at column 7 line 52 through column 8 line 10; and

generating an airflow in the internal space of the power-generating wind turbine switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one power-generating wind turbine circuit element at column 10 lines 1-60. Schloss also discloses heating an air in a region of the at least one circuit element at column 8 lines 37-46, separating water from the airflow at a cooling element, the cooling element spaced apart from the at least one circuit element, and draining the condensation water out of the switch cabinet by a drain element at column 7 lines 27-40, and generating the airflow, heating the air, and activating the cooling element depending on temperature or humidity within or outside the switch cabinet at column 6 lines 65-68.

***Claim Rejections - 35 USC § 103***

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of Roethel (US 1,722,825). Hamerski discloses the claimed invention as rejected above, except for the claimed cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and

the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element. Roethel, another airflow apparatus discloses a cooling element **28** to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet at page 2 line 15 and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element at page 2 line 15. It would have been obvious to one skilled in the art to provide the teachings of Hamerski with the cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element for the purpose of efficient moisture free operation of electrical and mechanical equipment in a switching environment

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski. Hamerski discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of Streed (US 3,332,620). Hamerski discloses the claimed invention

as rejected above, except for the claimed humidity circuit element control device.

Streed, another wind apparatus, discloses a humidity circuit element control device at column 3 line 10 through column 4 line 66. It would have been obvious to one skilled in the art to provide a humidity circuit element control device for the purpose of efficient moisture free operation of electrical equipment in a switching environment.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss. Schloss discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

### ***Response to Arguments***

Applicant's arguments with respect to claims 13-28 have been considered but are moot on the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on 571 272 6785. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/  
Primary Examiner, Art Unit 3749